

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN BUCKINGHAM,

Defendant.

CASE NO. CR20-5269 BHS

ORDER

On November 1, 2022, the Court entered an order directing the Warden of MDC-Los Angeles to ensure that the competency evaluation of Mr. Buckingham be completed by November 20, 2022. Dkt. 73 at 3. This order also required the evaluation report to be submitted to the Court by November 25, 2022. *Id.*

On November 9, 2022, the Court received a letter from the Warden stating that the evaluation will be completed by November 20, 2022. However, the letter also states that, “for several reasons, submission of a completed report by November 25, 2022, represents an unfeasible timeframe for our psychologist and Psychology Services Department.” In particular, the Warden explains that the Psychological Services Department “currently employs one forensic evaluator,” “the department as a whole is staffed at 50%” capacity,

1 the “department must also provide mental health care and treatment to the inmates at  
2 MDC-LA,” and “the timeline for the report [to be submitted] encompasses a holiday  
3 week (i.e., Thanksgiving).” Accordingly, the Warden requests an extension of the  
4 deadline to submit the report to December 2, 2022.

5 The statutes at issue do not provide a timeline by which an evaluation report must  
6 be submitted. *See* 18 U.S.C. §§ 4241 and 4247. Given the burdens described in the  
7 Warden’s previous letter as well as those set out in his most recent letter, the Court will  
8 not take any additional time in soliciting comments from the parties. To do so would  
9 likely result in a further delay in the completion and the submission of the report.  
10 Additionally, under the circumstances described in the Warden’s two letters, the Court  
11 finds that a deadline of December 2, 2022, to submit the report is reasonable

12 Accordingly, the Court grants the Warden’s request to submit the report by  
13 December 2, 2022. The Government is directed to immediately provide a copy of this  
14 Order to the Warden.

15 IT IS SO ORDERED.

16 Dated this 9th day of November, 2022.

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19 BENJAMIN H. SETTLE  
20 United States District Judge  
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